

AMENDMENT AND RESPONSE TO OFFICE ACTION AND
PETITION FOR ONE-MONTH TIME EXTENSION
U.S. Serial No. 10/626,133

REMARKS

Assignee and the undersigned attorney thank Examiner Negron for his review of this patent application. Nonelected claims 10-20 are cancelled above, and new claims 21-25 are added. Assignee respectfully requests reconsideration of pending claims 1-9, and consideration of new claims 21-25.

Amendments to the Specification

The Action objected to the title of the application as being non-descriptive. The title is amended above.

The Examiner also objected to the format of the Abstract. Assignee has amended the Abstract above and believes the Abstract complies with MPEP § 608.01(b).

Assignee has amended the paragraph on page 13 including line 19 in accordance to correct the informality noted by the Examiner on page 3 of the Action. Additionally, Assignee has amended two paragraphs of the specification to cite the assigned U.S. Serial Number of a related application that is incorporated by reference in the present application. No new matter has been added.

Claim Rejections Under §§ 102(b) and 103

The Action rejected claims 1 and 3-6 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,019,477 to *Wegrzyn et al.* (“*Wegrzyn*”). The Action rejected claim 2 under 35 U.S.C. § 103 as unpatentable over *Wegrzyn*. The Action rejected claim 7 under 35 U.S.C. §

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103 as unpatentable over *Wegrzyn* in view of U.S. Patent No. 3,302,918 to *Cohen* (“*Cohen*”).

Finally, the Action rejected claims 8 and 9 under 35 U.S.C. § 103 as unpatentable over *Wegrzyn* in view of U.S. Patent No. 6,129,440 to *Reynolds* (“*Reynolds*”).

Claim 1

Claim 1 recites:

A housing for an emergency unit luminaire, the housing comprising:
at least one concavity within which a movable optical assembly
and a fixed optical assembly may be interchangeably mounted.

Contrary to the Examiner’s assertions, *Wegrzyn* does not teach each and every element of claim 1.

First, *Wegrzyn* does not teach a concavity that is a part of the housing. A concavity is a shape that curves or bends inward. The housing shown in Figs.1-8 and 14 of *Wegrzyn* “is an integral housing having a convexly curved front wall 10, top wall 12, bottom wall 14, a left sidewall 16, and a right sidewall 18. The housing is closed by back plate 20” Col. 2, lines 35-38. The Examiner asserts that reference numeral 90 is the recited concavity. However, reference numeral 90 identifies a semi-spherical mounting member 90 that is part of the lighting head 42a. *See* col. 3, line 58 – col. 4, line 6; Figs. 12 and 14. Semi-spherical mounting member 90, as part of lighting head 42a, is subsequently mounted in circular opening 44 of the *Wegrzyn* housing. Circular opening 44 is best seen in Fig. 12.

From the drawings and description of *Wegrzyn*, it is clear that the reference teaches

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nothing more than a circular opening in a convex front wall of a housing that receives only a movable optical assembly. There is no teaching or suggestion anywhere in *Wegrzyn* to use a fixed optical assembly with the disclosed housing and circular opening. In fact, the entire specification of *Wegrzyn* focuses on mechanical features necessary for the implementation of the movable optical assembly. All claims of *Wegrzyn* require means for retaining light heads that permit rotation of the light heads.

Moreover, circular openings 44 face directly forward from the housing and are not angled down at all. Any housing for emergency lighting that is to be used with a fixed optical assembly must be configured such that the fixed optical assembly is angled downward toward the floor when installed. Otherwise, the light from the lamp of the optical assembly simply goes straight out into space, resulting in poor optical performance and not lighting the floor as desired in situations where emergency lighting is necessary. Thus, contrary to the Examiner's assertion, interchangeable mounting of fixed and movable optical assemblies is not inherent in *Wegrzyn*.

For these reasons, the Examiner should withdraw the rejection of claim 1 as anticipated by *Wegrzyn*, and claim 1 should be allowed.

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Claims 2-9

Inasmuch as claims 2-9 depend from and thereby include the limitations of claim 1, claims 2-9 should also be allowed for at least such dependency. Claims 2-9 are also allowable for at least the following additional reasons.

Claim 2

The Action rejected claim 2 under 35 U.S.C. § 103 as unpatentable over *Wegrzyn*.

Amended claim 2 recites:

The housing of claim 1, wherein each concavity includes a first opening configured to receive a movable optical assembly and a second opening spaced apart and differently sized than the first opening and configured to receive a fixed optical assembly.

Wegrzyn does not teach or suggest each element recited in claim 2. First, the circular opening 44 that the Examiner asserts teaches the recited first opening in claim 2 is not part of the semi-spherical mounting member 90 that the Examiner asserts teaches the recited concavity. In other words, the “concavity” (mounting member 90) of *Wegrzyn* does not include circular opening 44, and in fact mounting member 90, along with the rest of lamphead 42a, is mounted within the opening.

Additionally, *Wegrzyn* does not teach any structure that has two differently-sized and spaced apart openings within a single concavity. *Wegrzyn* teaches a convex-shaped front wall 10 of a housing with two circular openings 44 in the front wall. The circular openings 44 are the same size and only receive movable optical assemblies, as taught by *Wegrzyn*.

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Moreover, because the disclosure *Wegrzyn* is limited to movable optical assemblies only, *Wegrzyn* fails to motivate or suggest to one skilled in the art that he should provide two separate openings anywhere on a luminaire housing that are configured to interchangeably receive movable and fixed optical assemblies.

For these additional reasons, the Examiner should withdraw the rejection of claim 2 as obvious in view of *Wegrzyn*, and claim 2 should be allowed.

Claim 3

The Action rejected claim 3 under 35 U.S.C. § 102 as anticipated by *Wegrzyn*.

Amended claim 3 recites:

The housing of claim 1, further comprising a front portion and a back portion that may be releasably coupled, wherein the front portion and back portion, when coupled, define a chamber that contains operational components of the luminaire.

The front portion 10 and back portion 20 of the *Wegrzyn* housing are permanently coupled by straps 30 and 32. *See* Fig. 8; col. 2, ll. 47-50. Straps 30 and 32 are screwed into each of the front and back portions of the housing, and thus the front and back portions are not releasably coupled, as recited in claim 3. For this additional reason, the Examiner should withdraw the rejection of claim 3 as anticipated by *Wegrzyn*, and claim 3 should be allowed.

Claim 6

The Action rejected claim 6 under 35 U.S.C. § 102 as anticipated by *Wegrzyn*. Claim 6 recites:

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The housing of claim 4, wherein:
the front portion includes sloped projections extending from an interior surface of the front portion;
the back portion includes receiving projections extending from an interior surface of the back portion; and
surfaces of the sloped projections bias against surfaces of the receiving projections upon engagement of the front portion and the back portion to transfer weight associated with the front portion and the operational components to a structure of a building to which the back portion is mounted.

The Examiner asserts that *Wegrzyn* teaches each and every element recited in claim 6. However, *Wegrzyn* fails to teach or suggest a front portion including “sloped projections extending from an interior surface of the front portion,” as recited in claim 6.

Fig. 8, referred to by the Examiner, and the accompanying text of col. 2 that describes the engagement of structure of the front and back portions of the *Wegrzyn* housing, demonstrate that flanges 24a,b and latch members 26a,b of back plate 20 snap into openings/slots 22a,b and 28a,b of the sidewalls of the housing. There are no sloped projections extending from an interior surface of the housing either shown in Fig. 8 or described in the specification that engage any projections of the back portion, as recited in claim 6. For example, in an embodiment described in the pending application, T-ribs 86 of the front portion engage H-ribs 94 of the back portion. *See* p. 15 of Application and Figs. 5A, 5B, 7A, 7B, 9A, and 9B. Moreover, because there are no engaging projections, there is no transfer of weight as recited in claim 6, nor is such transfer inherent in *Wegryzn* as the Examiner asserts.

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For these additional reasons, the Examiner should withdraw the rejection of claim 6 as anticipated by *Wegrzyn*, and claim 6 should be allowed.

Claim 7

The Action rejected claim 7 under 35 U.S.C. § 103 as unpatentable over *Wegrzyn* in view of *Cohen*. Claim 7 recites:

The housing of claim 3, wherein:
the front portion receives a printed circuit board that includes projections carrying electrical contact pads; and
the back portion mounts electrical contacts that are connected to a source of power external of the housing and, upon engagement of the front portion and the back portion, the back portion guides the projections of the printed circuit board into engagement with the electrical contacts to form at least a portion of an electrical circuit.

Contrary to the Examiner's assertions, a printed circuit board that includes projections carrying electrical contact pads is not taught or suggested by *Wegrzyn* or *Cohen*, alone or in combination.

Specifically, the Examiner states that *Cohen* teaches the additional features recited in claim 7, but a close inspection of *Cohen* reveals that this is not correct. Reference numeral 13 in *Cohen* identifies a junction box in a ceiling, not a top portion or other portion of the recited housing, as the Examiner asserts. *Cohen* simply discloses a male plug 25 with prongs 25a inserted into a female receptacle 17. A printed circuit board is not disclosed anywhere in *Cohen*.

For this additional reason, the Examiner should withdraw the rejection of claim 7 as

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obvious in view of *Wegrzyn* and *Cohen*, and claim 7 should be allowed.

The foregoing is submitted as a full and complete response to the Office Action mailed July 12, 2005. Assignee submits that claims 1-9 and 21-25 are allowable for at least the reasons set forth above, and allowance of these claims is respectfully requested. The preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability. If the Examiner believes there are any issues that can be resolved via a telephone conference, or there are any informalities that can be corrected by an Examiner's amendment, please call Geoffrey Gavin at (404) 815-6046.

Respectfully submitted,



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